

1 HB304
2 216892-1
3 By Representative Baker
4 RFD: State Government
5 First Read: 08-FEB-22

SYNOPSIS: Existing law states that the Alabama Department of Environmental Management may not approve a solid waste management facility unless the application is approved by the appropriate local governing body.

This bill would provide that the governing body of a county or municipality has authority to approve or disapprove each new solid waste management site or a modified existing solid waste management site. The Department of Environmental Management would approve or disapprove a permit for a facility itself.

This bill would make nonsubstantive, technical revisions to update existing code to conform with current style.

A BILL
TO BE ENTITLED
AN ACT

1 Relating to solid waste management; to further
2 provide for approval of solid waste management sites by local
3 governing bodies; and to make nonsubstantive, technical
4 revisions to update existing code to conform with current
5 style.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 22-27-48 is amended to read as
8 follows:

9 "§22-27-48.

10 "(a) In addition to any regulatory bodies, the
11 governing body of a county or municipality has a
12 responsibility for and the authority to assure the proper
13 management of solid wastes generated within its jurisdiction
14 in accord with its solid waste management plan. A governing
15 body may assign territories and approve or disapprove disposal
16 sites in its jurisdiction in accord with the plan approved for
17 its jurisdiction. ~~Such approval~~ Approval or disapproval of
18 services or activities described in the local plan shall be in
19 addition to any other approvals required from other regulatory
20 authorities and shall be made prior to any other approvals
21 necessary for the provision of ~~such~~ those services, the
22 development of a proposed facility, or the modification of
23 permits for existing facilities.

24 "(b) The department may not consider ~~an~~ a permit
25 application for a new facility unless the ~~application~~ solid
26 waste management site has received approval pursuant to
27 Section 22-27-48.1 by the affected local governing body. The

1 department may not consider an application for a modified
2 permit for a facility unless ~~such application~~ the solid waste
3 management site has received approval pursuant to this section
4 by the affected local governing body.

5 "(c) In determining whether to ~~recommend approval of~~
6 ~~the proposed issuance of or modification of~~ approve a new ~~or~~
7 ~~existing~~ solid waste management site or a modified existing
8 solid waste management site, the governing body shall consider
9 each of the following criteria:

10 "(1) The consistency of the proposal with the
11 jurisdiction's solid waste management need as identified in
12 its plan.

13 "(2) The relationship of the proposal to local
14 planned or existing development or the absence thereof, to
15 major transportation arteries and to existing state primary
16 and secondary roads.

17 "(3) The location of a proposed facility in
18 relationship to existing industries in the state that generate
19 large volumes of solid waste, or the relationship to the areas
20 projected for development of industries that will generate
21 solid waste.

22 "(4) Costs and availability of public services,
23 facilities and improvements required to support a proposed
24 facility and protect public health, safety, and the
25 environment.

1 "(5) The impact of a proposed facility on public
2 safety and provisions made to minimize the impact on public
3 health and safety.

4 "(6) The social and economic impacts of a proposed
5 facility on the affected community, including changes in
6 property values, and social or community perception.

7 "(d) The application of the plan for local approval
8 shall be accompanied by an application fee payable to the
9 local governing body in an amount equal to 20 percent of the
10 ~~application or~~ permit fee required by the department, but
11 local approval shall not apply to simple renewals of a permit
12 which is to be otherwise unchanged. Further, there shall be no
13 requirement for local review and approval of permit
14 modifications for the limited purposes of changing liner and
15 leachate collection design, changes in waste streams from
16 within the facility's designated service area, changes in
17 sequence of fill, changes to incorporate new technology, and
18 changes intended to bring a facility into compliance with
19 statutes and regulations. A renewed application for local
20 approval submitted within 18 months of an application being
21 denied or rejected by the local governing body shall be
22 accompanied by an application fee payable to the local
23 governing body in an amount equal to 50 percent of the
24 ~~application or~~ permit fee required by the department.

25 "(e) Any decision by the local governing body of a
26 proposed modification of a ~~permit for~~ an existing solid waste
27 management site or the proposal to contract for any services

1 described in the solid waste management plan, shall be made in
2 a public meeting only after public notice of such application
3 or proposal and an opportunity for public comment is provided.

4 "(f) In providing public notice of any proposed
5 modification, the local government shall at a minimum hold at
6 least one public hearing thereon, notice of the time and place
7 of which shall be given by one publication in a newspaper of
8 general circulation in the municipality and in the official
9 gazette, if any, of the jurisdiction. Furthermore, the notice
10 shall be given at least 30 days, but not more than 45 days,
11 prior to the proposed date of the hearing. Each notice
12 published in compliance with this section shall contain at a
13 minimum a description of the proposed action to be considered,
14 its relevance to and consistency with the local solid waste
15 management plan, and shall identify a contact person from whom
16 interested persons can obtain additional information and can
17 review copies of both the local plan and the proposal to be
18 considered. All pertinent documents shall be available for
19 inspection during normal business hours at a location readily
20 accessible to the public. Within 90 days of receiving a
21 proposal, the local governing body shall either approve or
22 deny the modification setting forth the reasons therefor. The
23 failure of the local governing body to act on the proposal
24 within 90 days of receiving the modification shall constitute
25 approval by the local governing body.

26 "(g) Any decision by the local governing body to
27 approve or disapprove the siting of a new solid waste

1 management facility shall be made in accordance with Section
2 27-22-48.1.

3 "(h) This section shall not apply to industrial
4 facilities receiving wastes generated on site only or by the
5 permittee.

6 "(i) This section as amended by Act 2017-366 shall
7 not apply to an application received by a local governing body
8 prior to May 25, 2017, for a modification of an existing
9 permitted solid waste management facility, or for a proposed
10 new solid waste management facility."

11 Section 2. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.